

**FILED**

**MAY 22 2020**

Clerk, U.S. District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES WAYNE WATSON,

Defendant.

CR 19-112-BLG-DLC

NUNC PRO TUNC ORDER

Pursuant to this Court's March 27, 2020 Order (Doc. 92), the Bureau of Prisons has designated Federal Detention Center Englewood in Englewood Colorado ("FDC Englewood"), as the facility where Defendant James Wayne Watson will undergo an evaluation to determine his competency to proceed in this matter.

Accordingly, IT IS ORDERED:

1. Watson shall be committed to FDC Englewood and subjected to a psychiatric or psychological examination to be conducted in accordance with 18 U.S.C. §§ 4241(b) and 4247(b) and (c). The evaluation shall be completed by June 1, 2020, thirty days after his arrival at the facility on May 1, 2020.
2. The report shall include:

- a. Watson's history and present symptoms;
  - b. a description of the psychiatric, psychological, and medical tests that were employed and their results;
  - c. the examiner's findings; and
  - d. the examiner's opinions as to diagnosis, prognosis, and:
    - i. whether Watson is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.
3. The report shall be filed with the Court on or before June 15, 2020, with copies to counsel for the Defendant and the Government.
4. All time from the date of this Order until the date of the Court's determination as to Watson's competency is excludable under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(A), (F).
5. The Government is prohibited from using any statements that Watson may make in his competency examination as explained in *United States v. Nguyen*, 962 F. Supp. 1221 (N.D. Cal. 1997).
6. Upon receipt of the report and the return of Watson to this District, the Court shall hold a hearing pursuant to 18 U.S.C. § 4241(c).

7. The United States Marshals Service shall, as soon as reasonably practicable, return Watson from FDC Englewood to the District of Montana. *See* 18 U.S.C. § 3161(h)(1)(F).
8. The Clerk of Court is directed to immediately notify the parties, the United States Marshals Service, and FDC Englewood of the entry of this Order.

DATED this 22<sup>nd</sup> day of May, 2020.



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Dana L. Christensen, District Judge  
United States District Court